

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No.

3:10-cr-00308-JRS-1

ISRAEL CRUZ MILLAN,

Defendant.

Before: THE HONORABLE DENNIS W. DOHNAL, JUDGE

GUILTY PLEA

November 15, 2011

Richmond, Virginia

CHANDLER and HALASZ, INC.  
Stenographic Court Reporters  
P.O. Box 9349  
Richmond, Virginia 23227  
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Reported by: Tracy J. Stroh, RPR, CCR, CLR

1     Appearances:

2                     UNITED STATES ATTORNEY'S OFFICE  
3             By:   MICHAEL R. GILL, ESQ.  
4                     ANGELA MASTANDREA-MILLER, ESQ.  
5                                 and  
6             DEPARTMENT OF JUSTICE  
7             By:   ADDISON THOMPSON, JR., ESQ.  
8             Assistant United States Attorneys and  
9             Trial Attorney, respectively, of  
10            counsel for Plaintiff

11                     SRIS LAW GROUP, PC  
12             By:   ATCHUTHAN "SRIS" SRISKANDARAJAH, ESQ.  
13                     ROBERT COMBS, ESQ.  
14                                 and  
15             OFFICE OF THE FEDERAL PUBLIC DEFENDER  
16             By:   FREDERICK T. HEBLICH, JR., ESQ.  
17             attorneys, of counsel for Defendant

18     Also present:

19                     Johnnie Benningfield, interpreter  
20  
21  
22  
23  
24  
25

1 (The hearing in this matter commenced at  
2 9:20 a.m.)

3  
4 THE COURT: Good morning, everyone.

5 MS. MASTANDREA-MILLER: Good morning.

6 THE COURT: Ms. Garner, please call the  
7 matter.

8 THE CLERK: Criminal matter 3:10-cr-308,  
9 United States of America versus Israel Cruz Millan.

10 If the defense would stand and identify  
11 themselves, followed by the U.S. Attorney's Office for  
12 the Court, please.

13 MR. SRISKANDARAJAH: Good morning, Your  
14 Honor. May it please the Court. Atchuthan  
15 Sriskandarajah, here on behalf of Mr. Millan.

16 THE COURT: Welcome, sir.

17 MR. SRISKANDARAJAH: Thank you, sir.

18 MR. HEBLICH: Your Honor, I'm Fred  
19 Hebllich. I'm an assistant federal public defender  
20 from Charlottesville. You may recall that many years  
21 ago --

22 THE COURT: Yes, I do. Good to see you  
23 again. It's been a while.

24 MR. HEBLICH: -- we had a case.

25 MR. COMBS: Good morning, Your Honor.

1 Robert Combs. I represent Mr. Cruz Millan as well.

2 THE COURT: Thank you, Mr. Combs.

3 The Court understands the matter is before  
4 it for an anticipated plea of guilty to Counts One,  
5 Nine and Ten, I believe, that involve this defendant.  
6 And as I assume everyone is aware, I'm -- I have  
7 volunteered to substitute for Judge Hudson, who is  
8 preparing for the trial of the remaining defendant.

9 I understand that the plea will not be  
10 pursuant to a written plea agreement but is based upon  
11 an agreed upon statement of facts. Assuming all is  
12 correct, if counsel would approach the podium with the  
13 defendant. One of you is sufficient, or however many.  
14 That's fine.

15 Sir, as a preliminary matter and even  
16 though I know you've discussed the matter with your  
17 attorneys, I must advise you directly of your right to  
18 have this proceeding conducted by a district court  
19 judge, in this case Judge Hudson, for purposes of the  
20 proceeding, as opposed to myself, a United States  
21 magistrate judge.

22 I understand that you intend to offer a  
23 plea of guilty to those counts of the indictment in  
24 which you are involved. In order for a Court to  
25 accept a plea of guilty to any charge or charges,

1 certain findings must first be made. First, that the  
2 plea is freely and voluntarily entered with a full  
3 awareness of possible consequences, and secondly, that  
4 there's a basis in fact to accept that plea or those  
5 pleas of guilty; that is, if the matter proceeded to  
6 trial, as is your right, that the Government could  
7 prove the charge or charges. Now, as I've indicated,  
8 you have the right to have those findings made by a  
9 district judge or you may waive that right for  
10 purposes of entering those pleas.

11 I have in my hand a written waiver form to  
12 that effect. Do I understand correctly that having  
13 discussed the matter with your attorney, having had  
14 the form translated for you in its entirety, that you  
15 have signed this form consenting to allow me to  
16 entertain your pleas of guilty? Is that correct?

17 THE DEFENDANT: Yes, that is.

18 THE COURT: Very well.

19 Now, sir, I have several questions to ask  
20 of you, the purpose of which is to be able to make  
21 those findings that I have just discussed with you.

22 First, however, I will ask that you affirm  
23 to, of course, tell the truth in response to the  
24 questions I am about to ask, and obviously, if it is  
25 determined that you're not being truthful, that could

1       cause additional problems. Understood?

2               THE DEFENDANT: Understood.

3               THE COURT: Thank you.

4               THE CLERK: Would you raise your right  
5 hand, sir?

6               (The defendant was sworn.)

7               THE COURT: Very well.

8               You may confer with your attorney at any  
9 time during the hearing.

10              You may put your hand down.

11              If you wish to do so, just turn toward him  
12 or ask me for that opportunity. I will also tell you  
13 at the beginning of the hearing that you may decide to  
14 change your mind as we go along up until the final  
15 point when I may accept any plea or pleas of guilty  
16 that you may offer. For example, you may decide to  
17 stop answering the questions somewhere along that line  
18 up until that final point. If you decide to do so,  
19 you will not be penalized in any way. We will simply  
20 stop and reset the matter for trial.

21              You may also decide to withdraw any plea  
22 or pleas of guilty that you may have entered up until  
23 the final moment when I may accept them, and I will  
24 give you a final opportunity to reconsider the whole  
25 situation.

1           The reason I tell you these things at the  
2 beginning of the hearing is that I want to emphasize  
3 to you how difficult it is for you to change your mind  
4 later. An attempt to withdraw a plea or pleas of  
5 guilty once they have been accepted by the Court, the  
6 law states that a plea of guilty may only be withdrawn  
7 for what is called "fair and just reason." That is a  
8 very high, very difficult standard to meet. That is  
9 why I ask all these questions. Do you understand?

10           THE DEFENDANT: Yes, I understand.

11           THE COURT: Now for the questions that I  
12 have, first of all, are you the person named in the  
13 formal charge; that is, Israel Cruz Millan?

14           THE DEFENDANT: Yes, sir.

15           THE COURT: Have you drunk any alcohol or  
16 taken any drugs, including prescription medication,  
17 within the past 24 hours?

18           THE DEFENDANT: No, sir.

19           THE COURT: Are you under the influence of  
20 any substance of any kind at this time?

21           THE DEFENDANT: No, sir.

22           THE COURT: Have you ever been treated for  
23 any mental or emotional disorder or addiction of any  
24 kind?

25           THE DEFENDANT: No, sir.

1 THE COURT: How old are you, sir?

2 THE DEFENDANT: Twenty-six years old.

3 THE COURT: How far did you go in school?

4 THE DEFENDANT: Through high school.

5 THE COURT: Have you received a copy of  
6 the indictment and read it to yourself or had it  
7 translated for you and discussed it with your  
8 attorney?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Will the Government please  
11 state on the record the charges involving this  
12 defendant, including potential penalty?

13 MR. GILL: Your Honor, the defendant is  
14 pleading guilty to Counts One, Nine and Ten of the  
15 indictment. Count One charges him with RICO  
16 conspiracy. The maximum penalties for that offense  
17 are 20 years imprisonment, a 250,000-dollar fine, 3  
18 years supervised release, and a 100-dollar mandatory  
19 special assessment.

20 Count Nine charges him with conspiracy to  
21 possess, produce and transfer false identification  
22 documents, in violation of 18 U.S.C. 1028(f). The  
23 maximum penalties for that offense are 15 years  
24 imprisonment, a 250,000-dollar fine, 3 years  
25 supervised release, and a 100-dollar mandatory special



1 assessment.

2 Finally, Count Ten charges the defendant  
3 with money laundering conspiracy, in violation of  
4 18 U.S.C. 1956(h). The maximum penalties for that  
5 offense, 20 years imprisonment, a 500,000-dollar fine,  
6 or twice the amount of money involved in the  
7 transactions, 3 years supervised release, and a  
8 100-dollar mandatory special assessment.

9 THE COURT: Are there any possible  
10 immigration consequences, Mr. Gill?

11 MR. GILL: There are, indeed, Your Honor.  
12 The defendant is subject to deportation by Homeland  
13 Security Investigations at the conclusion of this  
14 case.

15 THE COURT: Would he be eligible for  
16 reentry under any circumstances?

17 MR. GILL: Never again, Your Honor.

18 THE COURT: Very well.

19 Sir, do you understand what the three  
20 charges are, potential criminal penalties upon  
21 conviction, and immigration consequences?

22 THE DEFENDANT: Yes, I do understand it,  
23 sir.

24 THE COURT: Very well.

25 Do you feel you've had a sufficient

1 opportunity to discuss these charges and sentencing  
2 possibilities with your attorneys?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Have you discussed with them  
5 how any sentence will be determined; that is, that the  
6 sentencing judge will be guided by the advisory  
7 Sentencing Guidelines that are in effect?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: And do you understand that by  
10 pleading guilty to those charges, if I accept those  
11 pleas of guilty, you are also consenting to allow him  
12 to make any sentencing determination on his own; that  
13 is, without the involvement of a jury and based on a  
14 standard of proof of preponderance of the evidence,  
15 which is a lower standard of proof, and that of beyond  
16 a reasonable doubt as would have applied at trial.  
17 Understood?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Are you entirely satisfied  
20 with the services that your attorneys have provided  
21 you in that have they answered all your questions and  
22 otherwise given you enough information for you to make  
23 up your own mind as to what to do?

24 THE DEFENDANT: Completely satisfied, sir.

25 THE COURT: Very well. Thank you.

1           Of course, no one can force or compel you  
2           to plead guilty to any charge. Has anyone forced or  
3           compelled you in any way?

4           THE DEFENDANT: No, sir.

5           THE COURT: Has anyone promised you  
6           anything in order for you to plead guilty?

7           THE DEFENDANT: No, sir.

8           THE COURT: And, of course, you must  
9           understand, as I'm sure you do, but just to make sure,  
10          that you have the absolute right to maintain a plea of  
11          not guilty to whatever charge or charges may be  
12          pursued against you and require that the matter  
13          proceed to the trial stage to determine your guilt or  
14          innocence of that charge or those charges.

15          The reason for that is that the burden is  
16          on the Government, not you, to prove your guilt beyond  
17          a reasonable doubt before you can be found guilty of  
18          any offense, but if you plead guilty to these charges  
19          and if I accept those pleas of guilty, you must  
20          understand that there will not be any trial to  
21          determine your guilt or innocence. Rather, the only  
22          remaining issue will be what sentence is to be imposed  
23          on each count, and that decision will be made by  
24          another judge on a future date.

25          Because there will not be a trial if your

1 anticipated pleas of guilty are accepted, you are also  
2 waiving or giving up various rights that you would  
3 have had at the trial stage. I will not mention all  
4 of those rights, but let me mention several by way of  
5 example. Make sure that you understand what you are  
6 waiving or giving up by pleading guilty.

7 For example, you have the right at trial,  
8 through your attorney, to challenge whatever evidence  
9 or argument is offered by the Government to try to  
10 prove your guilt such as through the cross-examination  
11 of witnesses called to testify against you. At trial,  
12 you have the right to have a trial court compel the  
13 production of relevant evidence on your behalf, the  
14 appearance of witnesses, the production of  
15 documentation, if any.

16 At trial, you would have the right to  
17 present your own relevant evidence in your own  
18 defense, including, if you so chose, your own  
19 testimony or not. You have the absolute right to  
20 remain silent without the burden of having to produce  
21 any evidence at all if you so decided.

22 And finally, by way of example only, you  
23 would have the right at trial to have your guilt or  
24 your innocence determined by a jury, a panel of 12  
25 individuals, all of whom would have to agree that the

1 Government had met its burden of proof beyond a  
2 reasonable doubt as to every essential element of  
3 whatever charge they were considering before you could  
4 be found guilty of that offense. But by pleading  
5 guilty to these charges, if I accept those pleas of  
6 guilty, you are waiving those and other rights that  
7 you would have had at trial. Do you understand?

8 THE DEFENDANT: Yes, sir, I understand,  
9 sir.

10 THE COURT: All right, sir.

11 Are you intending to plead guilty to these  
12 charges because you are, in fact, guilty of what they  
13 say you did in each of Counts One, Nine and Ten?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Very well.

16 Now, sir, I'm confident that you have  
17 discussed with your attorneys, based upon their  
18 knowledge, expertise and experience, what they may  
19 think to be an appropriate result in your case, a  
20 sentencing range under those advisory Guidelines or a  
21 particular sentence on each count or perhaps removal  
22 or deportation from this country sooner rather than  
23 later. All that is fine. That's part of their job in  
24 representing you, but do you understand whatever they  
25 may have told you in that regard is a prediction only

1 of what's going to happen? It is not a guarantee.

2 Understood?

3 THE DEFENDANT: Understood, sir.

4 THE COURT: Very well.

5 Counsel, are you satisfied that it is in  
6 the defendant's best interest to plead guilty to these  
7 charges rather than to proceed to trial?

8 MR. SRISKANDARAJAH: I am, Your Honor.

9 THE COURT: Are you satisfied that he  
10 fully understands each of the three charges pending  
11 against him?

12 MR. SRISKANDARAJAH: Yes, Your Honor.

13 THE COURT: Are you satisfied that he has  
14 been competent and fully able to cooperate with you  
15 and your colleagues throughout the course of your  
16 representation of him?

17 MR. SRISKANDARAJAH: Yes, sir.

18 THE COURT: Are you satisfied that there  
19 are no meritorious defenses that can be raised on his  
20 behalf in regard to any of those allegations, or if  
21 there are, that it is still in his best interest to  
22 plead guilty to the charges rather than to proceed to  
23 trial?

24 MR. SRISKANDARAJAH: That's correct, sir.

25 THE COURT: Are you satisfied that all of

1 his rights have been preserved throughout this  
2 proceeding?

3 MR. SRISKANDARAJAH: Yes, sir.

4 THE COURT: Do you know of any reason why  
5 the Court should not now accept his anticipated pleas  
6 of guilty to those three counts?

7 MR. SRISKANDARAJAH: No, sir.

8 THE COURT: Ms. Garner, would you please  
9 rearraign the defendant on Counts One, Nine and Ten of  
10 the indictment?

11 THE CLERK: Does the defendant waive  
12 formal reading of the indictment?

13 THE COURT: Counsel, you may respond to  
14 that.

15 MR. SRISKANDARAJAH: Yes, Your Honor.

16 THE CLERK: Do you, sir, understand the  
17 charges contained in the indictment?

18 THE DEFENDANT: Yes, ma'am.

19 THE CLERK: I ask you now, sir, what is  
20 your plea, guilty or not guilty, as to Counts One,  
21 Nine and Ten of the indictment?

22 THE DEFENDANT: I plead guilty.

23 THE COURT: Very well.

24 Sir, I also have a copy of the written  
25 statement of facts. I assume the original is there

1 before you on the lecturn.

2 Do I understand correctly that having had  
3 the document translated for you in its entirety,  
4 having discussed its contents with your attorneys,  
5 that you have signed the document confirming that you  
6 agree with the truth of the matters set forth therein?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Mr. Gill, does the Government  
9 have any additional evidence in support of the pleas  
10 entered?

11 MR. GILL: No, Your Honor.

12 THE COURT: Counsel, do you have any  
13 additions or corrections to the written statement of  
14 facts?

15 MR. SRISKANDARAJAH: No, Your Honor.

16 THE COURT: Sir, is this what happened in  
17 very, very general terms; that during the relevant  
18 time period, mainly from at least January 2010 through  
19 November of the same year, you knowingly participated  
20 in this conspiracy, this so-called false document  
21 enterprise. Your role was essentially that of an  
22 overall manager, at least within the United States,  
23 and in that capacity, you supervised activities of  
24 subordinates in each of several cities. And among  
25 other activities, you were in known possession of



1 false documentation that was generated and  
2 participated in the so-called laundering of monetary  
3 proceeds by utilizing Western Union transfers and  
4 such, during which time you knew that such activity  
5 was illegal?

6 In very general terms, is that what  
7 happened?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Sir, I'm satisfied from your  
10 answers to my various questions that the plea you  
11 entered to each of those three counts was knowingly  
12 and voluntarily entered, with a full awareness of  
13 possible consequences, including immigration  
14 consequences, and I'm satisfied from the statement of  
15 facts that you have confirmed contains true  
16 information that the Government could prove each of  
17 those three charges if the matter had proceeded to  
18 trial.

19 But as I told you I would at the beginning  
20 of this hearing, I give you this final opportunity to  
21 change your mind. If you wish to withdraw any or all  
22 of those pleas that you entered for whatever reason,  
23 no further questions will be asked.

24 Do you wish to withdraw those pleas of  
25 guilty or do you wish to maintain or keep them?

1 THE DEFENDANT: No, sir. I am guilty.

2 THE COURT: Very well.

3 It is, therefore, the finding of the Court  
4 that the defendant is fully competent and capable of  
5 entering an informed plea, that the defendant is aware  
6 of the nature of the charges as set forth in Counts  
7 One, Nine and Ten of the pending indictment and the  
8 consequences of his pleas of guilty to those charges,  
9 including immigration consequences, and that the pleas  
10 of guilty are knowing and voluntary pleas, supported  
11 by an independent basis in fact within each of the  
12 essential elements of each offense charged.

13 The pleas are, therefore, accepted, and  
14 the defendant is now adjudged guilty of each of those  
15 offenses in those stated counts. And I order that the  
16 statements of facts that has been verified by the  
17 defendant, which contains true information, be filed  
18 in the record.

19 I will also enter the Sentencing Guideline  
20 Order, sir, and I want to emphasize to you for your  
21 own benefit the importance of your full and truthful  
22 cooperation in providing whatever information is  
23 requested by the probation office in preparing the  
24 presentence report so that the sentencing judge has  
25 all the true, relevant information that he needs in

1 order to decide on an appropriate sentence on each  
2 count. You'll be provided with a copy of such  
3 information at least 35 days in advance of the  
4 sentencing date that I note has already been scheduled  
5 for February 16th of next year. If you would  
6 carefully with counsel, as I know they will with you,  
7 make any additions or corrections necessary so that --  
8 to ensure the sentencing judge has all the true  
9 information and relevant information that he needs.

10 And finally, I will also enter a report  
11 and recommendation recommending to His Honor that he  
12 adopt the findings I have made, including the  
13 acceptance of your pleas of guilty.

14 If you have any objection to anything  
15 occurring during this hearing, it must be noted in  
16 writing and filed with the clerk of court within 14  
17 days of today, and, of course, your attorneys will  
18 assist you in that regard, if necessary.

19 Do you have any questions about anything  
20 we have discussed?

21 THE DEFENDANT: No, sir. I would just  
22 like to say to you thank you very much, may God bless  
23 you and may he bless all of those that are present.

24 THE COURT: Thank you, sir.

25 Counsel, do you have anything further?

1 MR. SRISKANDARAJAH: Nothing further, Your  
2 Honor.

3 THE COURT: Mr. Gill?

4 MR. GILL: No, Your Honor. Thank you.

5 THE COURT: The Court remands the  
6 defendant to the continued custody of the United  
7 States Marshals pending further proceedings.

8 Court will stand in recess. Thank you.

9  
10 (The hearing in this matter concluded at  
11 9:39 a.m.)  
12

13 REPORTER'S CERTIFICATE

14 I do hereby certify that the foregoing is a  
15 true and accurate transcription of my stenographic  
16 notes taken in this matter to the best of my ability.  
17

18 /s/ Tracy J. Stroh 7/6/12  
19 Tracy J. Stroh, RPR, CCR, CLR  
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